An amazing and extraordinary Instance of FRAUDS and OPPRESSION in a Country govern'd by Laws, and an Affront upon the 518:1. Equity and Justice of Ab-n.

BEING THE 1. 1930

OF

Mr. WILLIAM DUFF,

Professor of Philosophy in the Marshal University of Aberdeen in Scotland.

Address'd to the Rt. Hon. the L-d H-

AND

Offer'd to the Confideration of all Honest Men; SHEWING

The barbarous Treatment of an Honest Family, in a short Narrative of certain most REMARK-ARLE FACTS.

The SECOND EDITION.

___O Tempora! O Mores! Nec turpitudini, nec injuriis cedendum.

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LONDON:

Printed for the AUTHOR, in the YEAR M DCC XLIII.

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fions was pleased to shew yourself my true and generous Friend, having asked of me the Reasons of my resigning my Office at Aberdeen, in the University there, and of my quitting a Certainty of seventy Pounds yearly, for an utter Uncertainty, to the Hurt and Prejudice of my numerous Family, it is but just and reasonable I should, in Answer to so kind a Question, give your Lordship sull Satisfaction on this Head, in as short and exact an Account of Facts as possible, and lay open the true State of the Matter.

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I enter'd upon my Office in the University of New Aberdeen in Scotland, in the Year 1727, by Letters Patent from his late Majesty King GEORGE I. I was no fooner got in among them, than I found the Society divided into two Factions: Their Hears and Heart-burnings came to such a Height that they were even outragious against each other, impeaching one another of no less than high Crimes, Fraud, Treachery, and base Practices: so that your Lordship may easily judge it was both unpleasant and difficult for me to determine what Part to take, amongst such a divided and factious Body of Men. endeavour'd all that lay in my Power to keep difinterested of their former Quarrels and Party-Broils; but was at length, by an unfair Attack upon my own private Interest and Office, oblig'd to betake myself to one Side for my Defence, and to repel the defening Spirit of the opposite Faction, who had projected their own private Advantage upon the Ruins of my Interest: And here, My Lord, I must beg Leave to affirm with the greatest Candour, Sincerity and Ingenuity, I never did any thing, nor acted any Part in Opposition to the other Gentlemen who were always plotting and projecting against my Interest, but only by way of Self-defence. I never meant to hurt them in the least; on the contrary, was glad of every Opportunity of promoting their Interests, although they could

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could not but be very fentible they had in-jur'd me and my Interest. While Mr. Blackwell, late Principal of the University, ferv'd among us, I was protected from the violent Measures of an opposite Party, who indeed fluck at nothing provided they could accomplish their Ends; and I can't pass over this Article without informing your Lordsbip that the Faction in the Society opposed and treated this honest good Man, Mr. Blackwell, in a very unfair, cruel and dirty Manner. These very Gentlemen, My Lord, were supported by, and were the Tools of the Tory and difaffected Party of Aberdeen, who bore a most malignant Hatred to Principal Blackwell, by reason he with great Steadiness and Resolution supported the common Interest of our happy Establishment, and opposed the Party in that Town and Neighbourhood, who are very numerous both in Town and Country; witness the Nonjuring Meetings in all Quarters, supported by the Chiefs in that Corner, which of late are very confiderably encreased, and much encouraged: And here, My Lord, there is something to be obferved which, tho' you may juftly wonder at it, and reckon it very ridiculous and in-confistent, yet is an indisputable Fact, viz. the disaffected Jacobite Gentlemen Freeholders and others, who for many Years stood out, and refused to qualify themselves and take

take the Oaths to the Government, have of late opened their Eyes, and have seen they were thereby precluded from any Offices or Places of Power and Trust, and thereby the more uncapable of serving the Interest they wanted to promote; therefore have now of of late, almost all of them, taken the Oaths to the Government, and made themselves capable of Employment; yet these very Gentlemen do faithfully attend and support the Nonjuring Clergy and their Meetings.

This, My Lord, I affirm to be a Fact capable of the fullest Proof. The first Part of the difguifed Conduct of those new-modelled and polite Tories, proves the Observation just of that ingenious, worthy and learned Gentleman, now justly promoted to a high Station in the Church, in his small Essay entituled, A Preservative against the Principles and Practices of the Nonjurors; which, tho' small, contains true, ingenious, and exact Maxims and Rules for observing the Arts and Practices of a Jacobite Faction in Great-Britain; and, I cannot pass over this without doing that Justice to this Piece which it deserves from all good Men, that every Line of it should be infcribed on Tables of Brass or Stone, and wrote in Letters of Gold, to be carefully read over by every true Whig. But I leave this, My Lord, that I may proceed directly, in order to open the Scene to which I was a Witness, and by which I and my Family have been unhap-Upon py Sufferers.

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Upon the Death of Mr. Blackwell, Principal of the University, many Candidates appear'd for the Vacancy; but by the Interest of two polite T— at Aberdeen, and another Man in London, we got one to succeed, who can only be best described and understood by fuch who have made Trial of his Behaviour, and have also had particular Knowledge of his Arts: But, without entering upon the Detail of his Conduct as a Churchman, I shall only relate his Conduct toward his Sovereign in the Station he now is, and toward myself. Immediately after he had received his Majesty's Patent for Principal of the University of New Aberdeen, he join'd the Tory Party of that Place; and, in order to support the better the Faction he join'd, he with his Friends of the Society proposed to have a Chancellor to the University; and notwithstanding that his Majesty is (by the Establishment, and as fucceeding to all the Rights and Powers of the late Earl of Marishall in Scotland, fince his Forfeiture) the only Patron, and has the undoubted Right of nominating a Chancellor, yet Mr. Ofborn, Principal, ventured fo far as to elect a Chancellor, and did actually draw up a Patent for one to be Chancellor, though it was a manifest invading the Rights of the Crown: And this I am certain fome Members of the University now in being will not refuse to own, and will likewise acknowledge my Opposition to the said Project, and to the effecting of it; although I was oblig'd to suspend my Opposition, on account of the powerful Threatnings and other Practices used against me: But Mr. Osborn, and one who was his Right-hand Counsellor, P. D. being resolv'd to go through with their Designs, did support one of their Party, then at London, in promoting the same End.

Though the publick Stock and Funds of the University were then in the lowest and meanest State they could be, yet for supporting this, and other unfair Designs, they raised a Sum of Money, and by Threatnings and other like Arts, in a Meeting of the Univerhty, hurried in the Gentlemen who declin'd to be concern'd in the Matter, to grant their joint Bond for the Payment of the Money which they had spent and abused in a Way they neither would, nor could account for, These Measures I own I did oppose, and for that Reason came to be the Object of their united Hatred and Resentment, which I first felt in an Attempt to deprive me of my Right of teaching the Natural and Experimental Philosophy, and of fixing me in another Province of far less Profit, in Defiance of all Law and Equity: For, taking lawful and necessary Precautions against this, by which they were baffled, I could never have Forgiveness or Friendship with these most spiteful Christians, though I embraced every Opportunity to oblige them, and can with Truth Truth affirm that I was always fond of pro-

moting their Welfare and Interest.

They were so full of Resentment, and so overslowing in Malice, that when they did not openly attack my Interest or Character, they took great Pains to promote Falshoods and Calumnies, and by private Detraction, Whispering, and Back-biting, to injure my Character in many different Instances, with-

out Regard to Truth or Honesty.

When there happen'd a Difference upon fuch Proceedings betwixt the Gentlemen of of the University and me, (the Effect of a fudden Gust and Hurry of Passion, and of very high Provocation) after the Gentlemen and I had compromised Matters and return'd to a State of Friendship, Mr. Osborn, Principal, and his Instigators, proceeded to give me Trouble, even in Opposition to a final Decree and Judgment both of the High Court of Session, and of an Arbitration; and a Gentleman, of whom your Lordship will read fomewhat more very foon, he being the great Promoter of all the Trouble, Difturbance and Molestation I met with from Mr. Osborn, Principal of the University.

I acknowledge I did impeach this Member for Crimes and Misdemeanors, and required the Principal to elect a Rector, that the whole might be judged by a Rectoral Court, the only legal and competent Way in such Cases. The Reverend Mr. Osborn Principal,

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and his Party, were however pleased to refuse this, and took upon them, without any Rectoral Court, to acquit the Person impeached, without waiting for Proof, and fustained the Gentleman's written and figned Defences in his own Behalf, though they contain'd Inuendo's against the KING and the Court; and in express Words his present MAJESTY was compared to the Emperor Nero, and myself to one of the Instrumenta Regni. The Principal likewise allowed and authorized my being profecuted before a Civil Court for a pretended Defamation of this Gentleman, who by them was acquitted without my being allowed a Proof of the Affertions, though required. I accordingly was profecuted in a Civil Court, where I offered all my Defences, and required Proof of all Facts; and here likewise I was denied a Proof of my Affertions, and was condemned to pay a Fine of Ten Pounds, or go to Prison, and to ask Pardon in Court. Upon this I applied to the High Court of Seffion for repealing this most unjust and injurious Sentence, and the Lords accordingly found the Sentence injurious and unjust, and therefore suspended it, I not being allowed to prove the Libel, and so the Matter stood undiscuss'd.

The Gentleman concern'd and our Reverend Principal being disappointed of their Design in this against me, and my Character, were restless and unwearied in other Arts to

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harrass and diffress me: They made use of all possible Interest and Arts to attack my Credit, and to make unreasonable Demands upon me, fince they could not obtain it otherwife, with Intent to ruin my Family. But before I proceed further, I must observe to your Lordship who they were, and what the Court was which condemn'd me to pay the Fine, and to ask Pardon. It was, My Lord, the Commissary Court of Aberdeen, whose Commissary or Judge, is a Man of known Weakness and Insufficiency of Mind: He is well known, My Lord, to be altogether at the Direction, and under the Management of the Clerk of the Court; and what fort of Man this Clerk is who officiates in Court, you will understand by the following Particulars.

First, He is one, My Lord, who was ejected the University for Disaffection to the Government in the Year 1716, or the Year

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Secondly, My Lord, he has, in Contempt of Law, exercised his Office, as Clerk of the

Court, without qualifying himself.

And next, My Lord, he, though a known Facobite, has been of late appointed a Collector of part of his Majesty's Revenues, by the Interest of a certain ____ Some Time after these Hardships, My Lord, I gave a full Account of all the Unjustice done me, and of the Abuses and Embezlements of the publick Funds, and of the Labrary of the Uni-Behaviour verfity,

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werfity, to Duncan Forbes of Culloden, then his Majesty's Advocate, and represented to him likewise that Jacobites were allowed to be in Office in our University, who had not given the Legal Securities to the Government; for all which I was promifed Satiffaction. I waited for it, but, I presume, Affairs of more Consequence happening, made this Gentleman forget the Particulars I had fet forth, else certainly he would have taken Notice of the Reflections and Inuendo's made use of by the Gentlemen of our University against the KING and the Administration, in their written Defences exhibited in Court, of which I had an Extract deliver'd me from the Records, attested by the Clerk of the Court and fign'd.

This Gentleman of our University, who had been impeach'd for Crimes and Misdemeanours, as will appear by the Confequences, being in Concert with the Principal, Mr. Osborn, and being full of Malice and Resentment at the Disappointment of his bad Defigns against me, did some Months after the former Disputes, in a publick Meeting of Faculty, openly attack me in the Presence of all the Members, with vile scurrilous Language, and most undecent Expressions, openly threatning Violence to my Person, and attempting it in the most outragious Manner; fo that even Mr. Ofborn and the other Members did publickly deem his Behaviour Behaviour worthy only of a Mad-man; yet they, instead of censuring him, and giving him a proper Reprimand, called him before them, and pass'd it with a sham Animadverfion, and a mock fort of Reproof, appearing rather to be fatisfy'd with his infulting of me than the contrary; and in some Days after I had Fellows fent in Difguise (by whom I shall not affirm) who it seems were design'd to way-lay me in my going home. I apply'd after this to the Lords of Justiciary for a Warrant against those I suspected to be the Authors of this Attempt, which I obtain'd; and having apprehended Mr. David Verner, Professor of Philosophy, by the said Warrant, the Magistrate of Aberdeen, who was requir'd to commit him to Prison, refus'd Commitment, and without proper Bail absolutely difmis'd the Prisoner, without Regard to the Warrant of the Lords being duly executed.

The same Night, about Nine or Ten o' Clock, a Messenger and a Party were sent to my House, under Pretence of Debt: The Messenger executed a Caption against me, arrested me, and carried me to Prison about One o'Clock in the Morning. When I came to the Prison Door, the Goaler deny'd me Access, and I was forced to stand in the Street two or three Hours: At length, with much Dissiculty, I was allow'd to lodge in a House 'till Ten o'Clock next Day, when I

was committed to close Prison, none for manny Hours having any Access to me, as if I had been sent thither for a capital Crime.

This pretended Debt, My Lord, for which they ventured to arrest me, had been satisfied six Months before. I had then in my Custody a Receipt, which I produced, acknowledging Payment thereof by the Person at whose Instance I was arrested, only had omitted to retire and take up the Recognisance

when I paid the Debt.

I made the Payment, My Lord, by an accepted Note of Mr. Rose of Kilravocks, now a Member of the House of Commons, who then stood indebted to me in the like Sum; and it is pretty extraordinary, My Lord, that a Gentleman who has the Honour to sit in the House of Commons, and is possessed of a good Land Estate to the Value of more than a Thousand Pound yearly, should not be capable, six Months after his Note was due, of relieving the Credit of a poor Man to whom he justly owed the Money!

Mr. Rose's Note to me, My Lord, was taken for Payment of the Debt, and Mr. Forbes, Sheriff of that County, neglected the Matter betwixt me and my unjust Creditor: But, My Lord, this Sheriff, I must be so free as to say, how much soever he is screen'd and patronized by his Friend, acted by me with the greatest Fraud, Treachery and Dishonesty. I wish he may make a right Accompt to the

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Crown for the large Sums of the Revenue he has received, and which I am afraid he can't pay otherwise than with his own Carrion Carcase.

However, paffing over this, My Lord, I was detain'd Prisoner Forty-eight Hours, and the Conditions proposed to me by my Creditor and the Principal of the University, before I should be set free, were, First, to give Security, under a confiderable Penalty, that I should never infift on the false Imprisonment. Secondly, That I should, without Regard to the High Court of Seffion to the contrary, pay the Ten Pounds contained in the Decree of the Commissary of Aberdeen; and Thirdly, That I should give Bond, under a considerable Forfeiture, not to proceed against any one Master or Member of the University, for any Cause, or Crime, or Embezlement whatever preceding that Date.

The State of my Credit, My Lord, the poor Condition of my Family, and my own ill State of Health, made it absolutely necessary for me to be set at Liberty without Delay; and therefore they kept me Prisoner until I had sign'd all the above-mention'd Deeds, which were presented to me when a Prisoner, written on stamp'd Paper ready for signing. After I had sign'd them I was set at Liberty, and by the Advice of my Friends, and Men of Candour and Integrity, I was, for the sake of my Character and Interest, in

all respects encouraged to insist on their delivering to me those felonious Deeds. Upon which I enter'd an Action against all concern'd on this Head; and when it came to the Proof, the famous Principal of the University and the Sheriff affirm'd upon Oath that I did all voluntarily, as they term'd it, and they also deny'd the Deed they were Witnesses to. The Commissioner for taking the Proof, and others concern'd, refus'd to admit unexceptionable Evidences on my Part, who could atteft all I wanted to have prov'd, and likewise erased and altered the Oath of an important Evidence on my part, by Threatnings and other base Means, forcing the poor Man to fign what was quite contrary to what he had declar'd upon the whole. These, My Lord, were my Hardships! Hardships unheard of among Greek and Roman Heathens! Hardships for which I got no Reparation; but when I apply'd for Redress and just Satisfaction to the Highest Court of the Nation, I was put off and delay'd by the Tricks of the Agents (so call'd) and so impoverished thereby, as not to be able to finish the Law-Suit. Where the Fault of this lies I leave to your Lordship's Determination.

I applied to Mr. Forbes, then his Majesty's Advocate, who by his Office was bound to see these Crimes pursued at his Instance; but, instead of Help or Support, I met with the contrary. I know no Reason for it, except it be, that I had too nigh a Connexion

and Conjunction with him.

I neither fay nor affirm, My Lord, any thing but what I can prove, and therefore hope to be excus'd. Yea, I can prove much more than is afferted; and I challenge any one to call the Facts in Question: If they should, they would only injure themselves, not me.

Now, My Lord, I shall refer it to you, whether any Man of the smallest Taste for Liberty, for Peace, and for his own Safety, could bear longer with what I had the Miffortune to fuffer; when myself and Family were facrificed for Loyalty, for Faithfulness and Honesty to my Sovereign and my Royal Patron. Is it not a hard Case I can't be allow'd any Consideration for the Resignation of my Office, especially when I purchas'd that Office with my own Money? I have only now, My Lord, further to add, That ever fince our Reverend Principal Mr. Ofborn's Accession, he and his Party have misapply'd King WILLIAM's Donation to the Univerfity; for it was expresly, by the Tenor of the Gift, order'd for paying off the Debts, and for Reparation of the publick Buildings: Both which have been neglected, and the Royal Gift apply'd to pay off the Interest of other Donations, whose Capital Stocks were misapplied; and when I at different Times infifted on having an Account of the Funds

appropriated to the publick Library of the University, I was either treated with Delays, or Bullying and ill Manners. At fundry Times I offer'd to submit to the Arbitration of good and honest Men; and above all, defir'd to have all Animofities remov'd, in order to make Way for an hononourable and lafting Peace and Friendship: But the Returns to my Wish and Inclinations were Persecution, Iniquity, and ill Treatment, without the least Mercy shewn to me or my Family: And when I was attack'd in my Credit, I, confistently with my honest Purposes towards all Men, did surrender, without being ask'd, my All to my Creditors, and recorded the Affignment in favour of them, as can be attested, even before my Creditors had fully known my Intention. I am therefore, My Lord, now facrificed in the Ruins of the University, having risked my All for the publick Good, which I hope will procure me the Compassion of all good Men.

I ferv'd in my Office faithfully, and with all needful Diligence: I always embrac'd every Opportunity, in my Station, to testify my highest Regard for my Gracious Sovereign, and for all his Illustrious Family. I have never intended Harm to any; but if, in my own lawful and necessary Self-defence, any thing did happen to touch my Opposites, it was forced on me, and not done out of

Choice:

Choice: So that I think I may reasonably expect the good Will and Favour of every one who considers the whole, and takes a

View of my Treatment.

I might mention, My Lord, fundry more Particulars: But, as the Subject cannot but be ungrateful to me, and not inclining to trouble your Lordship with too long a Detail, I choose to conclude, after observing to you, that I heartily pray and wish, the present Maxim fo much practis'd of restoring those who formerly were Rebels against King GEORGE I. and that both to their Lives and Fortunes; yea, the putting them in Power and Trust to gain them over and oblige them. I fay, I wish this Maxim and this Way (fo much practis'd and valued now in Scotland, of bringing over Enemies and making them Friends, by putting Power into their Hands) be not found in the End to be arming an Enemy, and making those whose Prejudice is rooted, whose Enmity against our King and Government is inveterate and inflexible, capable, at a proper Opportunity, of doing Mischief, and, to affist it, may be hereafter concern'd in some diabolical Enterprise. I hope your Lordship won't mistake me; I am by no means for Persecution: But, at the same Time, I am not for trusting to the Mercy of Foxes and Wolves, or to an usurping and arbitrary Power. We are at present bless'd with a happy Establishment;

we have a KING endued with the greatest Clemency and Goodness, who in all respects conforms to the Laws of the Land, and I heartily wish that all concerned may make a right Use of our present Happiness. I have the Honour to be,

My Lord,

Your Lorship's much Obliged and

most Obedient and Dutiful Servant.

I shall now only subjoin a true and exact Relation of the Usage I met with from our Gentlemen of Power. When I came to London I made my Application to the E—I of I—a, who at that Time was chief Manager of the Scots Affairs. When I told his Lordship I wanted to have Leave to fell my Place, and withal told him, he was very fenfible that I had paid a large Sum of Money to my Predecessor for the Patent, his Lordship ask'd me what were my Grievances and Reasons for declining my Stay there any longer? I gave his Lordship a full Memorial relating to my Maltreatment, on which he promis'd me Satisfaction: But foon after I found the oppofite Party had a superior Influence with his Lordship, so as to hinder me from selling my Place, and from having any Redress to what I complain'd of, however gross the Facts were: But after some Weeks, I had a Mesfage

fage deliver'd to me from Sir A-r F, who then was Member for the County of Aberdeen, that if I did accept of the Person for whom he was engag'd to be my Successfor, he would take Care to have my Office dispos'd of for the Benefit of my Family, and that his Friend Alexander Innes (if I approved of him) should pay me Four Thousand Marks upon his having a Patent to succeed me.

Sir A—— F—— further affured me, that he would use his utmost Interest with the E—— of I——a (with whom he was in perfect Friendship at that Time) to procure a Patent for Innes to succeed me, that I might have the Benefit of the Four Thousand Marks. This I can likewise prove by Sir A—— r's Letters to me.

Mr. Middleton was at this Time Member of Parliament for the City of Aberdeen, and was, by the Magistrates thereof, engag'd for Mr. Innes. By the Perswasion of both these Gentlemen (viz. the County and City Members for Aberdeen) I was prevail'd on to accept of Mr. Innes's Offer to be my Successor, altho' I had made an Agreement with another Gentleman, every way better qualified for the Business, and who was willing to pay me One Hundred Pounds Sterling more than Mr. Innes. Notwithstanding all this, to gratify a Party, I was compelled to injure my Family by the Loss of so much Money. In thought

thought this was a fufficient Proof of my being willing to gain their Friendship, and that I had deserved it. However, for a considerable Time the Matter was deferred, and I was then left to be torn in Pieces by my Creditors, and to waste my Substance, having then no Employment. Upon which Sir A- F- being somewhat importun'd about my Affair, and pretending Friendship, inform'd me and my Wife that the E-lof I-a had told him, if I would permit myself to be depos'd and consent to my Office being declar'd vacant, he and Sir A-F---- would take Care that Mr. Innes should pay me the Money for my Place: But this I did not think fit to comply with. and fo the Affair was at a stand for some Months. However, being inform'd that my pretended Friend Sir A-F- and Middle. ton, &c. had, instead of acting as real Friends, only inftigated and encourag'd the College to declare my Place and Office vacant, and to depose me for Non-residence. I thereupon apply'd to my Lord Harrington, then Secretary of State, defiring he would interpose his good Offices with the E-of I-a, in order to procure me either peaceable Possession of my Office, or to permit my felling it to the best Advantage. Accordingly my Lord Harrington was fo honourable, and fo kind as to use his good Offices, and did prevail upon the E—of I—a to promise me Posfeffion

fession of my Ossice in case I returned to Aberdeen, and that he would stand my Friend. My L—d I—a likewise wrote to the University, that in regard I was not chargeable with Crimes, or Neglect of Duty, nor Incapacity, I ought to be peaceably admitted

to the Enjoyment of my Office.

Upon Receipt of this Letter the Univerfity met, and the Faction, who were my Opposites, us'd all their Efforts to perswade the E- of I-a to drop me and my Cause, and to oppose my Return to Aberdeen. But whilft I was preparing to return with my Family, all on a fudden, and without my Knowledge or Confent, my L-d I-a was prevail'd on to procure a Patent in Favour of Innes to be my Successor, which was fent down, and his Admission hurried on. Thus was I bubbl'd and trick'd out of my Office by base Proceedings; and when I made fome Clamour about this Iniquity, the Eof I-a faid, the University had done it: The University affirm'd they were instructed to proceed as they did. Middleton intimated the E- of I-a's Advice to them to depose me, and Sir A-r F-s charged my L-d I-a with all the Blame; though it is beyond Dispute, that if it had not been a concerted and defign'd Project to bubble me out of my Office without allowing me one Farthing, it would have been no difficult Matter for the E— of I—a and Sir A—

to have obtained (at my first Coming to London) a Patent for Innes, and thereby have en-

titled me to the Price agreed on.

In this I have been richly ferv'd by the E of I a; for when I profecuted a Member of the University for attacking his Lordship's Character in my Company, it cost me above Forty Pounds in Vindication thereof; and for this, &c. I am required with the Ruin of myself, my Wife and seven Children, being at this Time unprovided for, and not having receiv'd one Farthing Recompence for all the Hardships I have undergone with fo numerous a Family, fuch as are almost incredible, having loft my all, and thereby render'd uncapable of fatisfying my Creditors, and putting myself into a Way of Bufiness. with bobbild and trick I out of any



